

IN THE UNITED STATE DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF WEST VIRGINIA

CLARKSBURG DIVISION

KIM S. MILLER, individually and as )  
Personal Representative of the )  
of the Estate of NICOLE FARIS )  
MILLER, )  
Plaintiff, )  
vs. )CASE NO. 1:11-cv-00151-IMK

WALTHER PRODUCTIONS, INC., d/b/a )  
ALL GOOD FESTIVAL, a Maryland )  
corporation; ALL GOOD FESTIVAL, )  
INC., a Maryland corporation; )  
TIM WALTHER; JUNIPA CONTENTO; )  
MARVIN HUGGINS; MARVIN'S )  
MOUNTAINTOP, LLC, a West Virginia )  
limited liability company; )  
M & M PARKING, INC., )  
a/k/a M & M PARKING SERVICES, INC., )  
a/k/a M & M EVENT SERVICES, LLC, a )  
Pennsylvania corporation; EVENT )  
STAFFING, INC., a Virginia )  
corporation; NATIONAL EVENT )  
SERVICES, INC., a New Hampshire )  
corporation; AXIS SECURITY, INC., )  
a Tennessee corporation; )  
CLAY HARLIN LEWIN; JAMES TOBIN; )  
and JIM TOBIN PRODUCTIONS, )  
Defendants. )

and

YEN TON, )  
Plaintiff, )  
vs. )CASE NO. 1:11-cv-00152-IMK

WALTHER PRODUCTIONS, INC., d/b/a )  
ALL GOOD FESTIVAL, a Maryland )  
corporation; ALL GOOD FESTIVAL, )  
INC., a Maryland corporation; )  
TIM WALTHER; JUNIPA CONTENTO; )  
MARVIN HUGGINS; MARVIN'S )  
MOUNTAINTOP, LLC, a West Virginia )  
limited liability company; )

M & M PARKING, INC., )  
a/k/a M & M PARKING SERVICES, INC., )  
a/k/a M & M EVENT SERVICES, LLC, a )  
Pennsylvania corporation; EVENT )  
STAFFING, INC., a Virginia )  
corporation; NATIONAL EVENT )  
SERVICES, INC., a New Hampshire )  
corporation; AXIS SECURITY, INC., )  
a Tennessee corporation; )  
CLAY HARLIN LEWIN; JAMES TOBIN; )  
and JIM TOBIN PRODUCTIONS, )  
)  
Defendants. )

and

ELIZABETH ROSE DORAN, )  
)  
Plaintiff, )

vs. ) CASE NO. 1:11-cv-00160-IMK

WALTHER PRODUCTIONS, INC., d/b/a )  
ALL GOOD FESTIVAL, a Maryland )  
corporation; ALL GOOD FESTIVAL, )  
INC., a Maryland corporation; )  
TIM WALTHER; JUNIPA CONTENTO; )  
MARVIN HUGGINS; MARVIN'S )  
MOUNTAINTOP, LLC, a West Virginia )  
limited liability company; )  
M & M PARKING, INC., )  
a/k/a M & M PARKING SERVICES, INC., )  
a/k/a M & M EVENT SERVICES, LLC, a )  
Pennsylvania corporation; EVENT )  
STAFFING, INC., a Virginia )  
corporation; NATIONAL EVENT )  
SERVICES, INC., a New Hampshire )  
corporation; AXIS SECURITY, INC., )  
a Tennessee corporation; )  
CLAY HARLIN LEWIN; JAMES TOBIN; )  
and JIM TOBIN PRODUCTIONS, )  
)  
Defendants. )

NOTICE OF ADDITIONAL SETTLEMENTS

Now comes Plaintiff Kim S. Miller, individually and as  
personal representative of the Estate of Nicole Faris Miller, by

counsel, J. Michael Benninger, Carl E. Pierce II, Joseph C. Wilson IV, and William P. Early, and states and represents as follows:

1. On an earlier date, to-wit: July 19, 2012, Plaintiff Kim S. Miller, by counsel, filed the Motion for Approval of Compromise for Bodily Injury and Wrongful Death Claim and Apportionment and Distribution of Wrongful Death Settlement Proceeds, which Motion is identified as Document No. 378.

2. At the time of filing the Motion, all Plaintiffs had reached a tentative policy limits settlement with Defendant Clay Harlin Lewin and his insurance carrier.

3. Since the time of filing the Motion, all Plaintiffs have reached tentative policy limits settlements with Defendants Walther Productions, Inc., d/b/a All Good Music Festival, All Good Festival, Inc., Tim Walther, Junipa Contento, Marvin Huggins, individually and d/b/a Marvin's Mountaintop, James Tobin and James Tobin Production.

4. This notice advises the Court and all counsel of record in this civil action that Plaintiff Kim S. Miller and his counsel intend to seek approval of all three separate settlements and the proposed distribution of the net settlement proceeds resulting therefrom, at the hearing scheduled for September 4, 2012.

5. This notice further advises the Court and all counsel of record that all Plaintiffs have agreed among themselves and counsel as to the proposed distribution of the settlement proceeds from each of the three individual settlements.

6. This notice further advises the Court and all counsel of record that Plaintiff Kim S. Miller intends to be present at the hearing scheduled by the Court on the Motion set for September 4, 2012, at 2:00 o'clock p.m., and that he intends to present testimony and documents in support of all three settlements identified above.

Dated this 22<sup>nd</sup> day of August, 2012.

KIM S. MILLER, individually and as  
Personal Representative of the  
Estate of NICOLE FARIS MILLER,  
PLAINTIFF, BY COUNSEL.

/s/  
J. Michael Benninger, Esquire  
W.Va. State Bar No. 312  
Benninger Law  
PROFESSIONAL LIMITED LIABILITY COMPANY  
P. O. 623  
Morgantown, WV 26507  
(304) 241-1856  
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Joseph C. Wilson, IV  
William P. Early  
The Blake House  
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Charleston, SC 29413  
(843) 722-7733  
*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 22, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to: John P. Fuller, Esquire; Robert P. Martin, Esquire; Melissa M. Barr, Esquire; Melvin F. O'Brien, Esquire; Steven M. Houghton, Esquire; Boyd L Warner, Esquire; Brandy D. Bell, Esquire; Kristina Cecil, Esquire; Daniel F. Fitch, Esquire; Keith C. Gamble, Esquire; Kenneth L. Hopper, Esquire; Jonathan J. Jacks, Esquire; Douglas A. Spencer, Esquire; C. Michael Bee, Esquire; John L. MacCorkle, Esquire; Mark C. Tanenbaum, Esquire; Jeffrey S. Zurbuch, Esquire; and Peter G. Zurbuch, Esquire.

/s/  
J. Michael Benninger, Esquire